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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,641

03/25/2004

Bryan L. Dalton

LM(F)6509 NP

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04/26/2007

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EXAMINER

WENDELL, ANDREW

ART UNIT

PAPER NUMBER

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/809,641

Applicant(s)

DALTON ET AL.

Examiner

Andrew Wendell

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 11, and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 1, 11, and 16 "broadcast messages from a mobile gateway (mailbox) to the first and second mobile devices," are not clear to the examiner. The specification states the broadcast message is for the other active mobile devices but not broadcast to the first device (page 6 lines 3-7 and page 8 line 23-page 9 line 1).

Regarding claim 16, "tangible medium" is not found to be supported in the specification.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi et al. (US Pat# 2003/0078034) in view of Dorenbosch et al. (US Pat# 2003/0235184) and further in view of Fishman et al. (US Pat Pub# 2002/01039535).

Regarding claim 1, Tsutsumi's network device teaches a data concentrator computer 34 (Fig. 6); a gateway device 32 (Fig. 5) for communicating with the data concentrator computer 34 (Fig. 5); a first mobile data acquisition device 14 (Fig. 6) communicating with the gateway device 32 (Fig. 6); and a second mobile data acquisition device 12 (Fig. 6) communicating with the gateway device 32 (Fig. 6), the gateway device 32 (Fig. 6) allowing direct communication between the first 14 (Fig. 6) and second 12 (Fig. 6) mobile data acquisition devices without communication with the data concentrator computer 34 (Fig. 6). Tsutsumi fails to teach a mobile gateway device separate from the data concentrator computer and a broadcast message from the gateway to first and second mobile devices.

Dorenbosch teaches a gateway device 120 (Fig. 1), separate and distinct from the data concentrator computer 130 (Fig. 1), for communicating with the data concentrator computer and a broadcast message 414 and 416 (Fig. 4) from the gateway device 120 (Fig. 1) to the first 112 (fig. 1) and second mobile 111 or 113 or 114 (Fig. 1) data acquisition devices.

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a gateway device separate from the data concentrator computer and a broadcast message from

the gateway to first and second mobile devices as taught by Dorenbosch into Tsutsumi's network device in order to provide a high-speed floor control with minimum delay (Sections 0005 and 0011).

Dorenbosch and Tsutsumi fail to teach a mobile gateway device.

Fishman teaches a mobile gateway device 250 (Fig. 2), separate and distinct from a data concentrator computer 210 (Fig. 2), for communicating with the data concentrator computer.

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a mobile gateway device as taught by Fishman into a gateway device separate from the data concentrator computer and a broadcast message from the gateway to first and second mobile devices as taught by Dorenbosch into Tsutsumi's network device in order to better customize content (Section 0010).

Regarding claim 2, Tsutsumi further teaches wherein the first mobile data acquisition device initiates an "Am I Alive?" transmission S1 (Fig. 4).

Regarding claim 3, Tsutsumi further teaches wherein the first mobile data acquisition device sends a "Roll Call" request to the gateway device (Sections 0061-0065).

Regarding claim 4, Tsutsumi teaches wherein the gateway device broadcasts a "Please Identify" message to the second mobile data acquisition device (Sections 0061-0063). Tsutsumi and Dorenbosch fail to teach a mobile gateway device.

Fishman teaches a mobile gateway device 250 (Fig. 2).

Regarding claim 5, Tsutsumi teaches the second mobile data acquisition device transmits a device identification to the gateway device (Sections 0061-0063). Tsutsumi and Dorenbosch fail to teach a mobile gateway device.

Fishman teaches a mobile gateway device 250 (Fig. 2).

Regarding claim 6, Tsutsumi teaches wherein the gateway device transmits an identification of the second mobile data acquisition device (Sections 0061-0063). Tsutsumi and Dorenbosch fail to teach a mobile gateway device.

Fishman teaches a mobile gateway device 250 (Fig. 2).

Regarding claim 7, Tsutsumi teaches wherein the first mobile data acquisition device 14 (Fig. 5) communicates with the data concentrator computer 34 (Fig. 5) through the gateway device 32 (Fig. 5). Tsutsumi and Dorenbosch fail to teach a mobile gateway device.

Fishman teaches a mobile gateway device 250 (Fig. 2).

Regarding claim 8, Tsutsumi teaches wherein the data concentrator computer sends a "Please Identify" message to the gateway device (Sections 0054-0057). Tsutsumi and Dorenbosch fail to teach a mobile gateway device.

Fishman teaches a mobile gateway device 250 (Fig. 2).

Regarding claim 9, Tsutsumi further teaches wherein the first mobile data acquisition device indicates that "Roll Call" data is available (Sections 0061-0065).

Regarding claim 10, Tsutsumi teaches wherein the data concentrator computer sends a "Send Roll Call" request to the first mobile data acquisition device through the

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gateway device (Sections 0054-0057). Tsutsumi and Dorenbosch fail to teach a mobile gateway device.

Fishman teaches a mobile gateway device 250 (Fig. 2).

Regarding claim 11, Tsutsumi teaches a data concentrator computer 34 (Fig. 5); a mailbox 32 (Fig. 5) for communicating with the data concentrator computer 34 (Fig. 5); a first mobile data 14 (Fig. 6) acquisition device communicating with the mailbox 32 (Fig. 6); and a second mobile data acquisition device 12 (Fig. 6) communicating with the mailbox 32 (Fig. 6), the mailbox 32 (Fig. 6) allowing peer to peer communication between the first 14 (Fig. 6) and second 12 (Fig. 6) mobile data acquisition devices without communication with the data concentrator computer 34 (Fig. 6). Tsutsumi fails to teach a mobile mailbox device separate from the data concentrator computer and a broadcast message from the mailbox to first and second mobile devices.

Dorenbosch teaches a mailbox device 120 (Fig. 1), separate and distinct from the data concentrator computer 130 (Fig. 1), for communicating with the data concentrator computer and a broadcast message 414 and 416 (Fig. 4) from the mailbox device 120 (Fig. 1) to the first 112 (fig. 1) and second mobile 111 or 113 or 114 (Fig. 1) data acquisition devices.

Dorenbosch and Tsutsumi fail to teach a mobile mailbox device.

Fishman teaches a mobile mailbox device 250 (Fig. 2), separate and distinct from a data concentrator computer 210 (Fig. 2), for communicating with the data concentrator computer.

Regarding claim 12, Tsutsumi teaches wherein the mailbox maintains Roll Call Data for the first and second mobile data acquisition devices (Sections 0061-0065). Tsutsumi fails to teach a mobile mailbox device.

Fishman teaches a mobile mailbox device 250 (Fig. 2).

Regarding claim 13, Tsutsumi teaches wherein the mailbox services a Roll Call of the first and second mobile data acquisition devices (Sections 0061-0065). Tsutsumi fails to teach a mobile mailbox device.

Fishman teaches a mobile mailbox device 250 (Fig. 2).

Regarding claim 14, Dorenbosch's further teaches a third mobile data acquisition device 113 (Fig. 1) for communicating peer to peer with the first mobile data acquisition device 111 (Fig. 1).

Regarding claim 16, Tsutsumi teaches a first instruction for activating a first mobile device S1 (Fig. 5); a second instruction for requesting a roll call from a gateway device by the first mobile device S2-S3 (Fig. 5); a third instruction for broadcasting a please identify message to a second mobile device S4 (Fig. 5); and a fourth instruction for providing peer to peer communication between the first mobile device 14 (Fig. 6) and the second devices 12 (Fig. 6). Tsutsumi fails to teach a third mobile device, a mobile mailbox device, and a broadcast message from the mailbox to first and second mobile devices.

Dorenbosch teaches providing peer to peer communication between the first mobile device 111 (Fig. 1) and the second 112 (Fig. 1) and third mobile 113 (Fig. 1) devices through broadcast message 414 and 416 (Fig. 4) from a mailbox device 120



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(Fig. 1) to the first 112 (fig. 1) and second mobile 111 or 113 or 114 (Fig. 1) data devices.

Dorenbosch and Tsutsumi fail to teach a mobile mailbox device.

Fishman teaches a mobile mailbox device 250 (Fig. 2).

Regarding claim 17, the combination including Dorenbosch teaches for adding device identification data for the second and third mobile devices to a mailbox (Fig. 1, it is obvious the mobile devices send identification before connection). Tsutsumi and Dorenbosch fail to teach a mobile mailbox device.

Fishman teaches a mobile mailbox device 250 (Fig. 2).

Regarding claim 18, Tsutsumi further teaches a sixth instruction for generating a history log of parsed roll call data by a data concentrator computer 34 (Fig. 5, Sections 0054-0057).

Regarding claim 19, Dorenbosch teaches a seventh instruction for transmitting identification data to the gateway device by the second 112 (Fig. 1) and third mobile device 113 (Fig. 1) and a fourth mobile device 114 (Fig. 1). Tsutsumi and Dorenbosch fail to teach a mobile mailbox device.

Fishman teaches a mobile mailbox device 250 (Fig. 2).

Regarding claim 20, Tsutsumi teaches an eighth instruction for transmitting a "Please Identify" message from the data concentrator computer to the first mobile device through the gateway device (Sections 0061-0065). Tsutsumi and Dorenbosch fail to teach a mobile mailbox device.

Fishman teaches a mobile mailbox device 250 (Fig. 2).

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi et al. (US Pat# 2003/0078034) in view of Dorenbosch et al. (US Pat# 2003/0235184) and further in view of Fishman et al. (US Pat Pub# 2002/01039535) and further in view of Mercer (US Pat# 2004/0198322).

Regarding claim 15, Tsutsumi's network device in view of Dorenbosch and further in view of Fishman teaches the limitations in claim 11. Tsutsumi, Dorenbosch, and Fishman fail to teach a timestamp.

Mercer's system for session management of short message service enabled applications wherein the mailbox generates a Last Roll Call Timestamp (Sections 0006-0007 and 0072-0073).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a timestamp as taught by Mercer into a mobile mailbox device as taught by Fishman into a mailbox device separate from the data concentrator computer and a broadcast message from the mailbox to first and second mobile devices as taught by Dorenbosch into Tsutsumi's network device in order to reduce time for the user (Section 0003).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

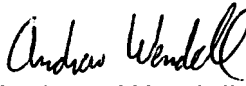
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Andrew Wendell  
Examiner  
Art Unit 2618

4/18/2007

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER